

1 DEMETRAS & O'NEILL  
2 J. Craig Demetras  
3 State Bar No. 4246  
4 Shelly T. O'Neill  
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MAY 04, 2010

Attorneys for Debtors

10 IN THE UNITED STATES BANKRUPTCY COURT  
11 FOR THE DISTRICT OF NEVADA

12 IN RE:

Case No. BK-N-09-50167-GWZ

Chapter 13

14 BRIAN SWOGER and  
15 SALLY SWOGER

**OBJECTION TO MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

Hearing Date: May 18, 2010

Hearing Time: 10:00 a.m.

Estimated Time: 1 minute

17 Debtors.

18 \_\_\_\_\_ /  
19  
20 Debtors, Brian & Sally Swoger, by and through their counsel, J. Craig Demetras,  
21 of Demetras & O'Neill, hereby object to the Motion for Relief from Automatic Stay filed  
22 by US Bank National Association, ("Movant"), its successors and/or assigns. Said Motion  
23 was filed on April 12, 2010, and a hearing has been set for May 18, 2010, at 10:00 a.m.

24 Debtors oppose the Motion for Relief from Automatic Stay based on the  
25 following:

- 26 1. The Debtors were current as of the filing of the Motion for Relief from  
27 Stay. A Copy of the transaction page from Wells Fargo is attached hereto  
28 and incorporated herein as Exhibit "A."

1 2. A copy of the current statement showing only the regular monthly payment  
2 and a miscellaneous \$15 fee being due is attached hereto and incorporated  
3 herein as Exhibit "B."

4 3. The Debtors request that no attorney fees be awarded as they made the  
5 payments but Wells Fargo failed to apply them timely.

6 WHEREFORE, Debtors request that the Motion for Relief from Automatic Stay be  
7 DENIED.

8  
9 Respectfully submitted this 4<sup>th</sup> day of May, 2010.

10  
11 Demetras & O'Neill

12 /s/ J. Craig Demetras  
13 By: J. Craig Demetras  
14 Attorney for Debtors  
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## EXHIBIT “A”



Wells Fargo Business Online®

## Account Activity

## MORTGAGE XXXXXX2343 Make a Payment

Next payment DUE ON 05/01/10	\$4,283.47
Last payment received on 04/15/10	\$4,263.47
Outstanding principal balance	\$617,535.66
Interest rate	6.875%
Unpaid fees / late charges	\$15.00

## Transactions - Past 6 Months

Show Past 6 Months

View

Date	Description	Amount	Principal Balance
04/15/10	APPLIED FUNDS	\$4,283.47	\$617,535.66
04/16/10	APPLIED FUNDS	\$4,263.47	\$618,257.03
04/15/10	PAYMENT	\$4,283.47	\$618,974.29
04/14/10	PAYMENT	\$35.45	\$618,974.29
04/07/10	PAYMENT	\$0.00	\$618,974.29
04/07/10	PAYMENT	\$0.00	\$619,887.47
04/07/10	PAYMENT	\$0.00	\$620,390.68
04/07/10	APPLIED FUNDS	\$17,053.88	\$621,101.55
04/07/10	PAYMENT	\$0.00	\$621,602.71
04/07/10	APPLIED FUNDS	\$8,526.94	\$622,489.77
03/15/10	PAYMENT	\$4,283.47	\$623,192.88
02/15/10	PAYMENT	\$4,263.47	\$623,192.88
02/09/10	PAYMENT	\$1,575.00	\$623,192.88
01/13/10	PAYMENT	\$19,707.30	\$623,192.88
01/12/10	APPLIED FUNDS	\$4,263.47	\$623,192.88
01/11/10	PAYMENT	\$4,283.47	\$623,882.01
12/08/09	APPLIED FUNDS	\$4,283.47	\$623,882.01
12/07/09	PAYMENT	\$4,263.47	\$624,567.23
11/09/09	APPLIED FUNDS	\$4,263.47	\$624,567.23
11/06/09	PAYMENT	\$4,283.47	\$625,248.55

Disclaimer: The transactions displayed reflect funds that you have paid and do not necessarily represent funds that are due. Late charges are assessed after the close of business on the assessment date and only after all payments received have been applied.

Equal Housing Lender

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## EXHIBIT “B”

